

# HOUSE BILL No. 4527

March 22, 2007, Introduced by Rep. Hoogendyk and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding section 34b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 34B. (1) THE DEPARTMENT, BY CONTRACT OR OTHERWISE, ALONE**  
2           **OR IN CONJUNCTION WITH THE EFFORTS OF OTHER ENTITIES, SHALL OPERATE**  
3           **A MICHIGAN PRISONER REENTRY PROGRAM AND AN INTENSIVE REENTRY PAROLE**  
4           **UNIT PROGRAM, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, BOTH OF**  
5           **THE FOLLOWING:**

1 (A) THE DEPARTMENT SHALL ASSIST PRISONERS IN OBTAINING THE  
2 IDENTIFICATION DOCUMENTS DESCRIBED IN THIS SECTION.

3 (B) THE DEPARTMENT SHALL MAKE EVERY EFFORT TO ALLOW PRISONERS  
4 TO OBTAIN THE IDENTIFICATION DOCUMENTS DESCRIBED IN THIS SECTION  
5 BEFORE THOSE PRISONERS ARE RELEASED ON PAROLE OR, IF NOT, AS SOON  
6 AS POSSIBLE AFTER BEING RELEASED ON PAROLE.

7 (2) EVERY PRISONER SHALL BE GIVEN THE OPPORTUNITY TO MAKE ALL  
8 REASONABLE EFFORTS, WHILE INCARCERATED, TO OBTAIN ALL OF THE  
9 FOLLOWING DOCUMENTS:

10 (A) ANY 2 OF THE IDENTIFICATION DOCUMENTS THAT, IN COMBINATION  
11 WITH THE PRISONER IDENTIFICATION CARD ISSUED UNDER SECTION 37(4),  
12 WOULD SATISFY THE APPLICATION REQUIREMENTS FOR OBTAINING AN  
13 OPERATOR'S LICENSE OR STATE PERSONAL IDENTIFICATION CARD AS  
14 ESTABLISHED BY THE SECRETARY OF STATE UNDER SECTION 307 OF THE  
15 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.307, OR SECTION 1 OF  
16 1972 PA 222, MCL 28.291.

17 (B) A SOCIAL SECURITY CARD.

18 (3) A PRISONER'S COOPERATION UNDER THIS SECTION IS A FACTOR  
19 THAT IS TO BE CONSIDERED AS PART OF THE PRISONER'S PAROLE  
20 ELIGIBILITY REPORT, AS PROVIDED IN SECTION 35(7)(E). THIS SECTION  
21 APPLIES TO ANY PRISONER WHO BEGINS SERVING A SENTENCE UNDER THE  
22 JURISDICTION OF THE DEPARTMENT AFTER THE EFFECTIVE DATE OF THIS  
23 SECTION AND ALSO APPLIES, BEGINNING JANUARY 1, 2008, TO ANY  
24 PRISONER WHO IS SERVING A SENTENCE OF IMPRISONMENT ON THE EFFECTIVE  
25 DATE OF THIS SECTION.

26 (4) THE DEPARTMENT SHALL PROVIDE A FORM TO EACH PRISONER  
27 LISTING THE PERSONAL IDENTIFICATION DOCUMENTS REFERENCED IN

1 SUBSECTION (2). THE FORM SHALL INCLUDE A STATEMENT THAT THE  
2 DEPARTMENT WILL ASSIST THE PRISONER IN OBTAINING THE REQUIRED  
3 DOCUMENTS. THE FORM SHALL ALSO INCLUDE ANY OTHER INFORMATION THE  
4 DEPARTMENT DETERMINES IS NECESSARY. FOR A PRISONER WHO BEGINS  
5 SERVING A SENTENCE UNDER THE JURISDICTION OF THE DEPARTMENT AFTER  
6 THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE  
7 THE FORM NOT LATER THAN 10 DAYS AFTER THE PRISONER ARRIVES AT A  
8 RECEPTION CENTER UNDER SECTION 67(1). FOR ANY PRISONER WHO IS  
9 SERVING A SENTENCE UNDER THE JURISDICTION OF THE DEPARTMENT ON THE  
10 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE  
11 FORM NOT LATER THAN OCTOBER 1, 2007.

12 (5) THE DIRECTOR OF THE DEPARTMENT MAY WAIVE THE REQUIREMENTS  
13 OF SUBSECTION (2) FOR ANY PRISONER WHO, FOR ANY REASON THAT IS NOT  
14 THE FAULT OF THE PRISONER, IS UNABLE TO COMPLY WITH SUBSECTION (2).

15 (6) A PRISONER MAY EXPEND MONEY FROM HIS OR HER INSTITUTIONAL  
16 ACCOUNT TO DEFRAY ANY EXPENSES INCURRED IN OBTAINING THE DOCUMENTS  
17 LISTED IN SUBSECTION (2).

18 (7) THE DEPARTMENT SHALL ALLOW THE SECRETARY OF STATE TO HAVE  
19 ELECTRONIC ACCESS TO PRISONER BIOGRAPHY INFORMATION FOR THE PURPOSE  
20 OF VERIFYING THE IDENTITY OF PRISONERS WHO APPLY FOR DRIVER  
21 LICENSES OR STATE PERSONAL IDENTIFICATION CARDS.

22 (8) THE REENTRY SUCCESS FUND IS CREATED WITHIN THE STATE  
23 TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
24 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER  
25 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL  
26 CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.  
27 MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN

1 THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND. THE DEPARTMENT OF  
2 CORRECTIONS SHALL EXPEND MONEY FROM THE REENTRY SUCCESS FUND, UPON  
3 APPROPRIATION, ONLY FOR THE EXPENSE OF OBTAINING THE DOCUMENTS  
4 REFERENCED IN SUBSECTION (2) FOR PRISONERS WHO ARE INDIGENT.

5 Sec. 35. (1) The release of a prisoner on parole shall be  
6 granted solely upon the initiative of the parole board. The parole  
7 board may grant a parole without interviewing the prisoner.  
8 However, beginning ~~on the date on which the administrative rules~~  
9 ~~prescribing parole guidelines pursuant to section 33c(5) take~~  
10 ~~effect~~ **JANUARY 26, 1996**, the parole board may grant a parole  
11 without interviewing the prisoner only if, after evaluating the  
12 prisoner according to the parole guidelines, the parole board  
13 determines that the prisoner has a high probability of being  
14 paroled and the parole board therefore intends to parole the  
15 prisoner. Except as provided in subsection (2), a prisoner shall  
16 not be denied parole without an interview before 1 member of the  
17 parole board. The interview shall be conducted at least 1 month  
18 before the expiration of the prisoner's minimum sentence less  
19 applicable good time and disciplinary credits for a prisoner  
20 eligible for good time and disciplinary credits, or at least 1  
21 month before the expiration of the prisoner's minimum sentence for  
22 a prisoner subject to disciplinary time. The parole board shall  
23 consider any statement made to the parole board by a crime victim  
24 under the **WILLIAM VAN REGENMORTER** crime victim's rights act, 1985  
25 PA 87, MCL 780.751 to 780.834, or under any other provision of law.  
26 The parole board shall not consider any of the following factors in  
27 making a parole determination:

1 (a) A juvenile record that a court has ordered the department  
2 to expunge.

3 (b) Information that is determined by the parole board to be  
4 inaccurate or irrelevant after a challenge and presentation of  
5 relevant evidence by a prisoner who has received a notice of intent  
6 to conduct an interview as provided in subsection (4). This  
7 subdivision applies only to presentence investigation reports  
8 prepared before April 1, 1983.

9 (2) Beginning ~~on the date on which the administrative rules~~  
10 ~~prescribing the parole guidelines take effect pursuant to section~~  
11 ~~33e(5) JANUARY 26, 1996~~, if, after evaluating a prisoner according  
12 to the parole guidelines, the parole board determines that the  
13 prisoner has a low probability of being paroled and the parole  
14 board therefore does not intend to parole the prisoner, the parole  
15 board ~~shall~~ **IS** not ~~be~~ required to interview the prisoner before  
16 denying parole to the prisoner.

17 (3) The parole board may consider but shall not base a  
18 determination to deny parole solely on either of the following:

19 (a) A prisoner's marital history.

20 (b) Prior arrests not resulting in conviction or adjudication  
21 of delinquency.

22 (4) If an interview is to be conducted, the prisoner shall be  
23 sent a notice of intent to conduct an interview at least 1 month  
24 before the date of the interview. The notice shall state the  
25 specific issues and concerns that shall be discussed at the  
26 interview and that may be a basis for a denial of parole. A denial  
27 of parole shall not be based on reasons other than those stated in

1 the notice of intent to conduct an interview except for good cause  
2 stated to the prisoner at or before the interview and in the  
3 written explanation required by subsection (12). This subsection  
4 does not apply until April 1, 1983.

5 (5) Except for good cause, the parole board member conducting  
6 the interview shall not have cast a vote for or against the  
7 prisoner's release before conducting the current interview. Before  
8 the interview, the parole board member who is to conduct the  
9 interview shall review pertinent information relative to the notice  
10 of intent to conduct an interview.

11 (6) A prisoner may waive the right to an interview by 1 member  
12 of the parole board. The waiver of the right to be interviewed  
13 shall be given not more than 30 days after the notice of intent to  
14 conduct an interview is issued and shall be made in writing. During  
15 the interview held pursuant to a notice of intent to conduct an  
16 interview, the prisoner may be represented by an individual of his  
17 or her choice. The representative shall not be another prisoner or  
18 an attorney. A prisoner is not entitled to appointed counsel at  
19 public expense. The prisoner or representative may present relevant  
20 evidence in support of release. This subsection does not apply  
21 until April 1, 1983.

22 (7) At least 90 days before the expiration of the prisoner's  
23 minimum sentence less applicable good time and disciplinary credits  
24 for a prisoner eligible for good time or disciplinary credits, or  
25 at least 90 days before the expiration of the prisoner's minimum  
26 sentence for a prisoner subject to disciplinary time, or the  
27 expiration of a 12-month continuance for any prisoner, a parole

1 eligibility report shall be prepared by appropriate institutional  
2 staff. The parole eligibility report shall be considered pertinent  
3 information for purposes of subsection (5). The report shall  
4 include all of the following:

5 (a) A statement of all major misconduct charges of which the  
6 prisoner was found guilty and the punishment served for the  
7 misconduct.

8 (b) The prisoner's work and educational record while confined.

9 (c) The results of any physical, mental, or psychiatric  
10 examinations of the prisoner that may have been performed.

11 (d) Whether the prisoner fully cooperated with the state by  
12 providing complete financial information as required under section  
13 3a of the state correctional facility reimbursement act, 1935 PA  
14 253, MCL 800.403a.

15 **(E) WHETHER THE PRISONER COMPLIED WITH THE REQUIREMENTS OF**  
16 **SECTION 34B FOR OBTAINING IDENTIFICATION DOCUMENTS.**

17 **(F)** ~~(e)~~—For a prisoner subject to disciplinary time, a  
18 statement of all disciplinary time submitted for the parole board's  
19 consideration pursuant to section 34 of 1893 PA 118, MCL 800.34.

20 (8) The preparer of the report shall not include a  
21 recommendation as to release on parole.

22 (9) Psychological evaluations performed at the request of the  
23 parole board to assist it in reaching a decision on the release of  
24 a prisoner may be performed by the same person who provided the  
25 prisoner with therapeutic treatment, unless a different person is  
26 requested by the prisoner or parole board.

27 (10) The parole board may grant a medical parole for a

1 prisoner determined to be physically or mentally incapacitated. A  
2 decision to grant a medical parole shall be initiated upon the  
3 recommendation of the bureau of health care services and shall be  
4 reached only after a review of the medical, institutional, and  
5 criminal records of the prisoner.

6 (11) The department shall submit a petition to the appropriate  
7 court under section 434 of the mental health code, 1974 PA 258, MCL  
8 330.1434, for any prisoner being paroled or being released after  
9 serving his or her maximum sentence whom the department considers  
10 to be a person requiring treatment. The parole board shall require  
11 mental health treatment as a special condition of parole for any  
12 parolee whom the department has determined to be a person requiring  
13 treatment whether or not the petition filed for that prisoner is  
14 granted by the court. As used in this subsection, "person requiring  
15 treatment" means that term as defined in section 401 of the mental  
16 health code, 1974 PA 258, MCL 330.1401.

17 (12) When the parole board makes a final determination not to  
18 release a prisoner, the prisoner shall be provided with a written  
19 explanation of the reason for denial and, if appropriate, specific  
20 recommendations for corrective action the prisoner may take to  
21 facilitate release.

22 (13) This section does not apply to the placement on parole of  
23 a person in conjunction with special alternative incarceration  
24 under section 34a(7).

25 Sec. 37. (1) When a prisoner is released upon parole, the  
26 department shall provide the prisoner with clothing and a  
27 nontransferable ticket to the place in which the paroled prisoner



1 is to reside. At the discretion of the deputy director in charge of  
2 the ~~bureau of field services~~ **OPERATIONS ADMINISTRATION**, the paroled  
3 prisoner may be advanced the expense of the transportation to the  
4 place of residence and a sum of money necessary for reasonable  
5 maintenance and subsistence for a 2-week period, as determined by  
6 the deputy director. A sum of money given under this section shall  
7 be repaid to the state by the paroled prisoner within 180 days  
8 after the money is received by the paroled prisoner.

9 (2) If a prisoner who is discharged without being paroled has  
10 less than \$75.00 in his or her immediate possession, has no visible  
11 means of support, and has conserved personal funds in a reasonable  
12 manner, the department shall furnish to that prisoner **ALL OF** the  
13 following:

14 (a) Clothing that is appropriate for the season.

15 (b) A sum of \$75.00 including that amount already in the  
16 prisoner's possession.

17 (c) Transportation to a place in this state where the prisoner  
18 will reside or work or to the place where the prisoner was  
19 convicted or sentenced.

20 (3) When providing for transportation, the department shall **DO**  
21 **ALL OF THE FOLLOWING:**

22 (a) Use the most economical available public transportation.

23 (b) Arrange for and purchase the prisoner's transportation  
24 ticket.

25 (c) Assume responsibility for delivering that prisoner to the  
26 site of departure and confirming the prisoner's departure from the  
27 site.

1           (4) THE DEPARTMENT, AS PART OF ITS MICHIGAN PRISONER REENTRY  
2 PROGRAM AND ITS INTENSIVE REENTRY PAROLE UNIT PROGRAM, SHALL  
3 PROVIDE A STATE IDENTIFICATION CARD TO EACH PRISONER WHEN HE OR SHE  
4 IS RELEASED ON PAROLE OR IS RELEASED UPON COMPLETION OF HIS OR HER  
5 MAXIMUM SENTENCE. THE IDENTIFICATION CARD SHALL INCLUDE ALL OF THE  
6 FOLLOWING:

7           (A) THE PRISONER'S PHOTOGRAPH, TAKEN NOT EARLIER THAN 6 MONTHS  
8 BEFORE THE PRISONER'S DATE OF RELEASE.

9           (B) THE PRISONER'S NAME AS IDENTIFIED ON THE PRISONER'S BIRTH  
10 CERTIFICATE.

11           (C) THE PRISONER'S PLACE AND DATE OF BIRTH.

12           (D) THE DATE ON WHICH THE PRISONER BEGAN HIS OR HER TERM OF  
13 INCARCERATION AT A STATE CORRECTIONAL FACILITY.

14           (E) A STATEMENT AS TO WHETHER THE PRISONER WAS PLACED ON  
15 PAROLE.

16           (F) A LIST OF THE PRISONER'S KNOWN ALIASES AND FORMER LEGAL  
17 NAMES, IF ANY.

18           (5) ~~(4)~~—The cost of implementing this section shall be paid  
19 out of the general fund of the state.

20           Sec. 67. (1) Quarters for temporary confinement apart from  
21 those of regular inmates shall be provided for convicted prisoners  
22 upon commitment at each of the state correctional facilities, which  
23 the director shall designate as a reception center. Within 60 days  
24 after the arrival of a convicted prisoner at ~~such~~ a state  
25 correctional facility, the classification committee shall ~~make~~ DO  
26 BOTH OF THE FOLLOWING:

27           (A) ~~MAKE~~ and complete a comprehensive study of the prisoner,

1 including physical and psychiatric examinations, to ensure that the  
2 prisoner is confined in the state correctional facility suited to  
3 the type of rehabilitation required in his or her case. The warden  
4 of the state correctional facility shall deliver a report of the  
5 study of the classification committee to the deputy director of the  
6 correctional facilities administration, who shall, within 5 days  
7 after receipt of the report, execute an order to confine the  
8 prisoner in the state correctional facility determined as suitable  
9 by the deputy director.

10 (B) REQUIRE THE PRISONER TO EXECUTE A WRITTEN IDENTIFICATION  
11 STATEMENT, ON A FORM PROVIDED BY THE DEPARTMENT. THE STATEMENT  
12 SHALL BE SIGNED BY THE PRISONER UNDER PENALTY OF PERJURY. THE  
13 STATEMENT SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION CONCERNING  
14 THE PRISONER:

15 (i) HIS OR HER NAME GIVEN AT BIRTH.

16 (ii) HIS OR HER CURRENT LEGAL NAME, IF DIFFERENT FROM HIS OR  
17 HER BIRTH NAME.

18 (iii) HIS OR HER PLACE AND DATE OF BIRTH.

19 (2) Immediately upon arrival at a reception center designated  
20 pursuant to subsection (1), each incoming prisoner shall undergo a  
21 test for HIV or an antibody to HIV. This subsection does not apply  
22 if an incoming prisoner has been tested for HIV or an antibody to  
23 HIV under section 5129 of the public health code, ~~Act No. 368 of~~  
24 ~~the Public Acts of 1978, being section 333.5129 of the Michigan~~  
25 ~~Compiled Laws 1978 PA 368, MCL 333.5129~~, within the 3 months  
26 immediately preceding the date of the prisoner's arrival at the  
27 reception center, as indicated by the record transferred to the

1 department by the court under that section.

2 (3) If a prisoner receives a positive test result and is  
3 subsequently subject to discipline by the department for sexual  
4 misconduct that could transmit HIV, illegal intravenous use of  
5 controlled substances, or assaultive or predatory behavior that  
6 could transmit HIV, the department shall house that prisoner in  
7 administrative segregation, an inpatient health care unit, or a  
8 unit separate from the general prisoner population, as determined  
9 by the department.

10 (4) The department shall report each positive test result to  
11 the department of community health, in compliance with section 5114  
12 of ~~Act No. 368 of the Public Acts of 1978, being section 333.5114~~  
13 ~~of the Michigan Compiled Laws~~ **THE PUBLIC HEALTH CODE, 1978 PA 368,**  
14 **MCL 333.5114.**

15 (5) If an employee of the department sustains a percutaneous,  
16 mucous membrane, or open wound exposure to the blood or body fluid  
17 of a prisoner, the employee may, and the department shall, proceed  
18 under section 67b.

19 (6) Upon the request of an employee of the department, the  
20 department shall provide or arrange for a test for HIV or an  
21 antibody to HIV for that employee, free of charge.

22 (7) Upon the request of an employee of the department, the  
23 department shall provide to that employee the equipment necessary  
24 to implement universal precautions to prevent transmission of HIV  
25 infection.

26 (8) A prisoner who receives a positive HIV test result under  
27 subsection (5) shall not work in a health facility operated by the

1 department.

2 (9) The department shall conduct a seroprevalence study of the  
3 prisoners in all state correctional facilities to determine the  
4 percentage of prisoners who are HIV infected.

5 (10) The results of a test for HIV or an antibody to HIV  
6 conducted under this section shall be disclosed by the department  
7 pursuant to section 67b.

8 (11) The deputy director of the correctional facilities  
9 administration shall take steps to ensure that all prisoners who  
10 receive HIV testing receive counseling regarding AIDS including, at  
11 a minimum, treatment, transmission, and protective measures.

12 (12) The department, in conjunction with the department of  
13 community health, shall develop and implement a comprehensive AIDS  
14 education program designed specifically for correctional  
15 environments. The program shall be conducted by the bureau within  
16 the department responsible for health care, for staff and for  
17 prisoners at each state correctional facility.

18 ~~— (13) By March 30, 1991, the department shall submit a report~~  
19 ~~regarding the testing component, managerial aspects, and~~  
20 ~~effectiveness of subsections (2) to (12) to the senate and house~~  
21 ~~committees with jurisdiction over matters pertaining to~~  
22 ~~corrections, and to the senate and house committees with~~  
23 ~~jurisdiction over matters pertaining to public health.~~

24 (13) ~~(14)~~ As used in this section:

25 (a) "AIDS" means acquired immunodeficiency syndrome.

26 (b) "HIV" means human immunodeficiency virus.

27 (c) "Positive test result" means a double positive enzyme-

1 linked immunosorbent assay test, combined with a positive western  
2 blot assay test, or a positive test under an HIV test that is  
3 considered reliable by the federal centers for disease control and  
4 is approved by the department of community health.

5 Enacting section 1. This amendatory act does not take effect  
6 unless all of the following bills of the 94th Legislature are  
7 enacted into law:

8 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4525 (request no.  
9 01512'07).

10 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4528 (request no.  
11 01513'07).